

Message Text

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ACTION ACDA-10

INFO OCT-01 IO-13 ISO-00 ACDE-00 CIAE-00 INR-07 L-03
NSAE-00 NSC-05 EB-08 NRC-05 OES-06 FEAE-00
DODE-00 INRE-00 PM-04 SSO-00 SS-15 NSCE-00 AF-10
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FM USMISSION IAEA VIENNA
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INFO USERDA WASHDC IMMEDIATE
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EO 11652: NA (DECONTROL 31 DECEMBER 1977)
TAGS: IAEA, PARM, TECH
SUBJECT: IAEA AD HOC ADVISORY GROUP ON NUCLEAR EXPLOSIONS FOR
PEACEFUL PURPOSES: WORKING PARTY DISCUSSIONS OF GOV/COM.23/13 REV
1, ANNEX, APRIL 18-19, 1977

REF: STATE 85721

BEGIN SUMMARY: US REPS REPORT ON WORKING PARTY DISCUSSIONS
OF IAEA DOC. GOV/COM.23/13 REV.1, ANNEX II (LEGAL
PRINCIPLES DOCUMENT) HELD APRIL 18-19. END SUMMARY.

1. WORKING PARTY COMMENCED DISCUSSION OF LEGAL PRINCIPLES
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DOCUMENT WITH INTRODUCTION BY EGYPTIAN REP OF SEVERAL
SUGGESTIONS FOR NEW PRINCIPLES AS WELL AS AMENDMENTS TO
SEVERAL OTHER PRINCIPLES PRESENTLY IN DOCUMENT. TEXT
EGYPTIAN PROPOSALS TRANSMITTED SPETEL.

2. DISCUSSION OPENED WITH CHAIRMAN'S ATTEMPT TO REWRITE
USSR PROPOSAL FOR "NEW" FIRST PRINCIPLE (SUBJECT OF

INSTRUCTIONS REFTEL PARA 5A) BY INCORPORATING EXPLICIT REFERENCES THEREIN TO NPT AND IAEA STATUTE. US REPS, IN ACCORDANCE INSTRUCTIONS CITED, PROPOSED TEXT OF FORMULATION THEREIN. FOLLOWING IS TEXT NOW UNDER CONSIDERATION WORKING PARTY, INCLUDING SLIGHT CHANGES PROPOSED BY OTHER DELS AS PARRNTHETICALLY INDICATED: "THE ESTABLISHMENT AND OPERATION OF INTERNATIONAL ARRANGEMENTS (US, IN ANTICIPATION OF SWEDEN REP VIEW ON "SERVICE" PREVIOUSLY REPORTED) FOR NEPP SHOULD BE IN ACCORDANCE WITH THE PURPOSES AND PROVISIONS OF INTERNATIONAL TREATIES AND AGREEMENTS AND OTHER INTENATIONAL (USSR) LEGAL INSTRUMENTS RELEVANT TO THIS MATTER (AUSTRALIA)".

3. WITH REGARD BOTH TO EGYPTIAN PRINCIPLES A.1 AND A.2, AND TO FIRST SENTENCE EGYPTIAN PRINCIPLE B, EGYPTIAN DEL (SIRRY) AGREED TO DROP THESE POINTS IN FAVOR OF ANOTHER AND SUPERIOR NEW FIRST PRINCIPLE, TEXT OF WHICH (AS PROPOSED BY AUSTRALIA) FOLLOWS: "THE ARRANGEMENTS SHOULD TAKE FULLY INTO ACCOUNT ARTICLE 5 OF THE NPT, WHICH STATES: (FULL TEXT ART. 5). THE NEGOTIATIONS LEADING TO THE ARRANGEMENTS WOULD BE CARRIED ON AGAINST THE BACKGROUND OF THE LEGAL POSITION AS DESCRIBED IN ANNEX I." DURING ENSUING DISCUSSION, FINAL SENTENCE ABOVE TEXT DROPPED, WITH OPTION REMAINING FOR WORKING PARTY TO ADD TEXT REPORTED PARA 2 ABOVE AT THIS SPOT, WITH RESULTANT DELETION, FIRST SENTENCE PRINCIPLE STATED PARA 5 ANNEX II, DOC. 23/13 REV 1, OR DELETION ABOVE PARA 2 TEXT WITH RETENTION ENTIRE TEXT PRESENT PARA 5 LIMITED OFFICIAL USE

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ANNEX II, DOC. 23/13/REV 1. AFTER ADJOURNMENT WORKING PARTY, EGYPTIAN REP INFORMED US REP THAT HE COULD AGREE TO INCLUSION QUOTES TAKEN FROM IAA STATEUTE AND/OR LTBT AS WELL IF THIS WOULD MAKE NEW FIRST PRINCIPLE MORE ATTRACITVE TO US REPS, POINTING OUT HE HAD ONLY WANTED REFERENCE TO NWS "OBLIGATIONS", NOT QUOTE OF ALL ARTICLE 5.

4. SEVERAL DELS INSISTED PRIVATELY TO US REPS ON NECESSITY TO ACCOMMODATE SIRRY POINT ON ART. 5 FOR POLITICAL REASONS, I.E., PRINCIPLES ALREADY NOTE NON-PROLIFERATION POINTS AND POINT RE NOT PREJUDICING CTB WHICH ARE "OF INTEREST TO NWS" BUT FAIL TO MENTION ART. 5 "OBLIGATION ON NWS" TO PROVIDE OUT FACT THAT BOTH NON-PROLIFRATION AND CTB BENEFIT TO NNWS AS WELL, BUT FRG AND AUSTRALIAN REP (AND WILSON) OF VIEW THAT THIS AD HOC GROUP SESSION IN "DANGER" OF COLLAPSING IF SIRRY ARTICLE 5 POINT NOT ACCOMMODATED AS FIRST PRINCIPLE. A FEW REPS, ESPECIALLY THAT OF UK,

DISPLAYED IMPATIENCE WITH SIRRY TACTICS, EAGERNESS OF
CHAIR TO ACCOMMODATE SAME, AND EFFORTS OF FRG (VON WELCK)
TO ASSIST SIRRY.

5. WITH REGARD OTHER EGYPTIAN PROPOSALS, SECOND AND
THIRD SENTENCES OF EGYPTIAN PRINCIPLE B
WERE DISCUSSED BY WORKING PARTY AND CHAIRMAN WILSON
TOOK LEAD IN FORMULATING FOLLOWING REVISED TEXT FOR
A NEW PRINCIPLE: "THE ARRANGEMENTS AND PROCEDURES
SHOULD TAKE INTO ACCOUNT THE NEED FOR STATES CONTEMPLATING
NEPP PROJECTS TO HAVE ACCESS TO INDICATIVE COSTS FOR NEPP
SERVICES". WORD "INDICATIVE" CONNOTES (AT LEAST TO CHAIR) SOMETHING
ALONG LINES OF "PRICE" CURVE PUBLISHED BY USAEC IN 1960'S, BUT
INCLUDING ANCILLARY CHARGES. US REPS BELIEVE USE OF
"SHOULD TAKE INTO ACCOUNT" LANGUAGE RENDERS THIS NEW
PRINCIPLES ACCEPTABLE.

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6. WITH REGARD PROPOSED EGYPTIAN PRINCIPLE C, WORKING
PARTY HAS NOT YET BEGUN DISCUSSION THIS TEXT.

7. WITH REGARD PROPOSED EGYPTIAN PRINCIPLE D, WORKING
PARTY DISCUSSION RESULTED IN AGREEMENT ON FOLLOWING
TEXT, IN REPLACEMENT FOR PROPOSED EGYPTIAN
LANGUAGE: "TO ASSIST THE AGENCY TO DISCHARGE ITS ROME,

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STATES HAVING INFORMATION ON THE APPLICATION OF NEPP
AND THEIR POTENTIAL BENEFITS SHOULD MAKE THIS
AVAILABLE TO THE AGENCY, IN A MANNER CONSISTENT WITH
THEIR LEGAL OBLIGATIONS." US REPS SUCCEEDED IN
BROADENING THIS PROPOSED PRINCIPLE TO COVER ALL STATES,
NOT JUST NES AS FRG PREFERRED. THIS LANGUAGE
WOULD BE ADDED TO END OF PRESENT PARA 6, ANNEX II.

8. WITH REGARD TO PROPOSED EGYPTIAN PRINCIPLE E,
WORKING PARTY CONSIDERING FOLLOWING ADDITIONAL TEXT
BE ADDED TO PRESENT END OF PARA 13, ANNEX II, IN
REPLACEMENT FOR PROPOSED EGYPTIAN LANGUAGE: " . . .
NOR PERMIT ANY OTHER INTRUSIONS ON THE SOVEREIGNTY OF
THE BENEFICIARY STATE."

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9. CONCERNING PARA 2, ANNEX II, WORKING PARTY
AGREED TO ACCZI FRG SUGGESTION THAT WORD "NUCLEAR"
BE ADDED BETWEEN WORDS "AS" AND "WEAPONS."

10. WITH REGARD TO PARA 3, ANNEX II, WORKING PARTY
AGREED TO ACCEPT FORMULATION SUGGESTED BY US REPS IN
ACCORDANCE WITH INSTRUCTIONS REFTEL PARA 5B; US REPS
SUPPORTED STRONGLY ON POINT BY UK AND AUSTRALIAN DELS,
WITH FRG LEADING PROPONENT OF "NON-DISCRIMINATION"
POINT. TEXT ADOPTED BY WORKING PARTY FOLLOWS: "WITH
THE EXCEPTION OF THE PREFERENTIAL SUPPLY POSITION AND
PREFERENTIAL CHARGES FOR NNWS PARTIES TO NPT ESTABLISHED
BY THAT TREATY, THE ARRANGEMENTS AND PROCEDURES COULD
BE THE SAME FOR ALL NNWS. CONSIDERATION SHOULD BE
GIVEN TO MAKING ARRANGEMENTS AND PROCEDURES AS UNIFORM
AS POSSIBLE." FOLLOWING THIS AGREEMENT, HOWEVER, FRG
REP RESURRECTED LANGUAGE INTRODUCED AT GROUP'S
NOVEMBER SESSION ON ASSOCIATED POINT THAT IAEA SHOULD
ENSURE AVAILABILITY OF POTENTIAL BENEFITS OF NEPP ON
NON-DISCRIMINATORY BASIS (SEE TEXT IN GOV/COM23/13/REV
1/ADD 1/REV 1, PAGE 3, FOURTH PARAGRAPH UNDER SUBHEAD
"IN RELATION TO PARA THREE"). THIS POINT WILL BE
DISCUSSED IN WORKING PARTY APRIL 20. FRG INTENT SEEMS

TO BE TO DENY NWS RIGHT TO DETERMINE "LOW AS POSSIBLE"
COST FOR THEMSELVES, AS PERMITTED BY NPT.

11. AS FOOTNOTE TO NEW EGYPTIAN PROPOSALS SET OUT ABOVE,
US REPS NOTE THAT NO MENTION OF EGYPTIAN PLANS WAS MADE
DURING US-EGYPTIAN CONSULTATIONS ON APRIL 15, REPORTED
PREVIOUSLY. FRG REPS DID MENTION LIKELIHOOD OF NEW EGYPTIAN
PROPOSALS TO US REPS DURING PRIVATE CONSULTATIONS
MORNING APRIL 19, AND IN FACT SHOWED PARTIAL EGYPTIAN
TEXT TO US REPS AT THAT TIME, STRESSING THAT FRG
DID "NOT NECESSARILY" APPROVE OF TEXT BUT DID "DESIRE
TO HELP" EGYPTIANS WHERE POSSIBLE. FRG REPS ALSO
EXPRESSED "DESIRE TO AVOID CONFRONTATION" WITH US OVER
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THIS ISSUE. IN OPINION OF US REPS, SUBSEQUENT FRG
ACTIVITIES IN WORKING PARTY SEEM TO SUGGEST GREATER
INTEREST BY FRG IN
SATISFYING FORMER DESIRE RATHER
THAN LATTER.STONE

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Message Attributes

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